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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,348	12/03/2003	Marion Calmer	USPA0035	4001
33512	7590	09/04/2009		
HAMILTON IP LAW, PC 331 W. 3RD ST. NEWVENTURES CENTER SUITE 120 DAVENPORT, IA 52801				
EXAMINER				
TORRES, ALICIA M				
ART UNIT		PAPER NUMBER		
3671				
NOTIFICATION DATE		DELIVERY MODE		
09/04/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10726348	12/3/2003	CALMER, MARION	USPA0035

## EXAMINER

ALICIA M. TORRES

ART UNIT	PAPER
3671	20090831

DATE MAILED:

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## Commissioner for Patents

The reply filed on 7 May 2009 is not fully responsive to the prior Office Action because:

The applicant has canceled all prior claims and provided three new claims. The new claims set forth wherein the stalk rolls are capable of consuming 56 inches, 48 inches or 61 inches of a corn plant. The examiner has already issued a Notice of Non-Compliance, dated 11/02/2007, stating that the claimed value of 56 inches consumed by the stalk rolls was not described in the original disclosure and is therefore considered new matter. The applicant has since failed to show that this value is supported by the original disclosure and as the record shows the issue remains unresolved. Neither does the original disclosure provide for a consumption of 48 inches or 61 inches of corn plant as currently claimed. In the new set of claims filed 5/07/2009, the applicant further discloses limitations which were not originally disclosed: wherein the diameter of the stalk rolls is at least 4 inches or 3.75 inches, wherein the exposed fluted area is between 15 and 18 inches, wherein the drive sprocket has 6 teeth, wherein the coast sprocket has 9 teeth, wherein the exposed fluted area is between 15 and 22 inches, wherein the exposed fluted area is between 17 and 22 inches. These limitations are all considered new matter as they are not supported by the original disclosure. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

/Alicia M Torres/  
Primary Examiner, Art Unit 3671